

RECEIVED
FEDERAL ELECTION
COMMISSION

2010 FEB 26 PM 4: 00

OFFICE OF GENERAL
COUNSEL

Dallas
Denver
Fort Lauderdale
Jacksonville
Los Angeles
Madison
Miami
New York
Orlando
Tallahassee
Tampa
Tysons Corner
Washington, DC
West Palm Beach



The Victor Building
750 9th Street, N.W., Suite 750
Washington, DC 20001

www.alkermes.com

202 393 6222 tel 202 393 9999 fax

Ralph J. Coccia
202 824 1721 direct tel
202 824 1795 direct fax
ralph.coccia@alkermes.com

February 26, 2010

Jeff S. Jordan, Esq.
Supervisory Attorney
Complaints Examination and Legal Administration
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Dear Mr. Jordan:

RE: MUR 6246

We are writing to you on behalf of Porter for Congress and its Treasurer, Ms. Chrissie Hastie, for whom this firm serves as counsel. On January 13, 2010, Ms. Hastie received notification that the Federal Election Commission ("FEC" or "the Commission") had received a complaint indicating that Porter for Congress and Ms. Hastie may have violated the Federal Election Campaign Act of 1971 ("the Act"). The notification included a copy of a complaint filed with the Commission by Kjelden Cundiff. For reasons more fully detailed below, Porter for Congress and Ms. Hastie respectfully submit that there is no basis to find a violation of the Act and respectfully request that the complaint be dismissed.

In his complaint, Mr. Cundiff has alleged that in October 2008, while employed as National Director for Compliance of Dollar Loan Center, LLC, the majority owner of the company, Mr. Charles Brennan, asked Mr. Cundiff to have him and his wife make separate personal \$2300 contributions to the Porter for Congress campaign for which Mr. Brennan would reimburse him in cash. In his complaint, Mr. Cundiff asserts that he had concerns about the legality of the contributions and as a result did not make the requested contribution. In sum, Mr. Cundiff in his complaint makes no allegation that an illegal contribution was, in fact, made or that anyone affiliated with Porter for Congress solicited or accepted an illegal contribution.

Mr. Cundiff further asserts that he believes it is "suspicious" that Mr. Brennan's parents made \$2300 contributions to Porter for Congress despite never having previously made a contribution to a Congressional campaign. He also alleges that the Brennans misrepresented that they were owners of Dollar Loan Center LLC. Finally, Mr. Cundiff asserts that he regards it as suspicious that Mr. Bruce Cooley, the President of Dollar, and his wife both made contributions to Porter for Congress despite never having previously made a contribution to a Congressional campaign. Mr. Cundiff also regarded it as suspicious that Mr. and Mrs. Cooley, residents of South Dakota, made contributions to a campaign in Nevada. In sum, Mr. Cundiff has filed an entirely speculative complaint and has provided no factual information to support an assertion that Porter for Congress or Ms. Hastie solicited or accepted a contribution in violation of the Act.

Neither Porter for Congress nor Ms. Hastie have any information relating to the unsubstantiated allegations made by Mr. Cundiff regarding the request by his employer to make a contribution for which he would be reimbursed. By his own admission, Mr. Cundiff makes clear that he did not make an illegal contribution. Similarly, neither Porter for Congress nor Ms. Hastie have any information that in any way suggests that the contributions made by Mr. Brennan's parents or the Cooleys, which Mr. Cundiff regards as suspicious, were contributions that were reimbursed by Mr. Charles Brennan in violation of law. Neither Porter for Congress nor Ms. Hastie solicited an illegal contribution as alleged in the complaint and had no reason to believe then or now that an illegal contribution was made to the campaign.

Porter for Congress and Ms. Hastie have reviewed the records of the campaign for records relating to the contributions referenced by Mr. Cundiff in his complaint. These records reflect that on October 21, 2008, Mr. Charles Brennan made a contribution of \$4600. A copy of the check is attached as Exhibit A. The contribution is reflected on the Report of Receipts and Disbursements, FEC Form 3, filed with the Commission on December 4, 2008. See attached Exhibit B. The contribution is shown on Schedule A, Page 33. On January 27, 2009 the campaign filed its year end FEC Form 3. Schedule B, Page 18 of the Report reflects that, on December 15, 2008, \$2300 of the contribution was returned to Mr. Brennan as an excess contribution. See attached Exhibit C. A copy of the check refunding the excess contribution is attached as attached Exhibit D.

With respect to the contribution of Mr. and Mrs. Cooley, the records of the campaign reflect that a check in the amount of \$4600 drawn on the account of Bruce and Carla Cooley and signed by Ms. Carla Cooley was made to Porter for Congress on October 22, 2008. A copy of the check is attached as Exhibit E. The contribution is reflected on the Report of Receipts and Disbursements, FEC Form 3, filed with the Commission on December 4, 2008. The contribution is shown on Schedule A, Page 38. Attached as Exhibit F. The report reflects that \$2300 of that contribution was reattributed to Mr. Bruce Cooley. By letter dated November 1, 2008, Ms. Hastie notified Ms. Brennan of presumptive reattribution, per FEC regulations. A copy of the correspondence is attached as Exhibit G.

10044280057

Jeff S. Jordan, Esq.
February 26, 2010
Page 3

With respect to the contribution of Mr. and Mrs. Robert Brennan, the records of the campaign reflect that a check in the amount of \$4600 drawn on the account of Robert and Judi Brennan and signed by Ms. Judi Brennan was made to Porter for Congress on October 22, 2008. A copy of the check is attached as Exhibit H. The contribution is reflected on the Report of Receipts and Disbursements, FEC Form 3 filed with the Commission on December 4, 2008. The contribution is shown on Schedule A, Page 34. Attached as Exhibit I. The report reflects that \$2300 of that contribution was reattributed to Mr. Robert Brennan. By letter dated November 1, 2008, Ms. Hastie notified Ms. Brennan of that presumptive reattribution, per FEC regulations. A copy of the correspondence is attached as Exhibit J.

In the event you require any further information from the campaign or Ms. Hastie, please do not hesitate to contact me.

Sincerely,

AKERMAN SENTERFITT



for Ralph J. Caccia

FEC
FORM 3REPORT OF RECEIPTS
AND DISBURSEMENTS

For An Authorized Committee

NAME OF
COMMITTEE (Print)USE FEC MAILING LABEL
OR TYPE OR PRINTExample: If using type
over the lines

Porter for Congress

ADDRESS (number and street)

7640 Red Leaf Drive

Check if different
from above only
(Include, ACC)

Las Vegas

NV

89131

2. FEC IDENTIFICATION NUMBER

CITY A

STATE A

ZIP CODE A

STATE V DISTRICT

C00367367

3. IS THIS
REPORT

X

NEW
(N)

OR

AMENDED
(A)

NV

03

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 15 Year-End Report (YE)

Termination Report (TR)

(b) 12-Day PRE-Election Report for the

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the
State of

(c) 30-Day POST-Election Report for the

X

General (30G)

Runoff (30R)

Special (30S)

Election on

in

C 4

2006

in the
State of

NV

5. Covering Period

10

18

2006

through

11

24

2008

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Christie Heston

Signature of Treasurer

Electronically Filed by Christie Heston

Date

12

04

2008

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 437g.

Office
Use
OnlyFEC FORM 3
(Revised 12-2006)

FECAL0101

10044280059

SCHEDULE A (FEC Form 3) **ITEMIZED RECEIPTS**

Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER PAGE 33, 123
(check only one)
☒ 11a ☐ 11b ☐ 11c ☐ 11d
☐ 12 ☐ 13a ☐ 13b ☐ 14 ☐ 15

Any information copied from such Reports and Statements may not be sold or used by any person for the purposes of soliciting contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee

NAMES OF COMMITTEES (in Full):

Porter for Congress

<p>A. Full Name (Last, First, Middle Initial) Charles Brewer Mailing Address 7341 Lake Farm Avenue City Las Vegas State NV Zip Code 89131 FEC ID number of contributing federal political committee C Name of Employer Self-employed Receipt For: 2008 Primary <input checked="" type="checkbox"/> General Other (specify) _____ Occupation Information Requested Election Cycle-to-Date ▼ 4600.00</p>	<p>Date of Receipt 10 21 2008 Transaction ID: 81021.C19452 Amount of Each Receipt this Period 4600.00 Receipt Limit Increased Due to Opponent's Spending (2 U.S.C. 441a)(1)(441a-1) NOTE: Seeking Formal Recd.</p>
<p>B. Full Name (Last, First, Middle Initial) Cecilia Yee Mailing Address PO Box 7172 #167 City Stateline State NV Zip Code 89449 FEC ID number of contributing federal political committee C Name of Employer Self-employed Receipt For: 2008 Primary <input checked="" type="checkbox"/> General Other (specify) _____ Occupation Investor Election Cycle-to-Date ▼ 2300.00</p>	<p>Date of Receipt 10 21 2008 Transaction ID: 81021.C19456 Amount of Each Receipt this Period 2300.00 Reimbursement Memo Limit Increased Due to Opponent's Spending (2 U.S.C. 441a)(1)(441a-1) MEMO ITEM Reimbursement from John Ying</p>
<p>C. Full Name (Last, First, Middle Initial) Luo Ying Mailing Address PO Box 7172 #228 City Stateline State NV Zip Code 89449 FEC ID number of contributing federal political committee C Name of Employer Self-employed Receipt For: 2008 Primary <input checked="" type="checkbox"/> General Other (specify) _____ Occupation Investor Election Cycle-to-Date ▼ 2300.00</p>	<p>Date of Receipt 10 21 2008 Transaction ID: 81021.C19458 Amount of Each Receipt this Period 2300.00 Reimbursement Memo Limit Increased Due to Opponent's Spending (2 U.S.C. 441a)(1)(441a-1) MEMO ITEM Reimbursement from James Ying</p>

SUBTOTAL of Receipts This Page (optional) ... 4600.00

TOTAL This Period (use page this line number only) ...

**FEC
FORM 3**

**REPORT OF RECEIPTS
AND DISBURSEMENTS**
For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

Porter for Congress

ADDRESS (number and street) 7840 Red Leaf Drive

Check if different than previously reported (ACC)

Las Vegas

NV

89131

2. FEC IDENTIFICATION NUMBER

C00387387

CITY A

STATE A

ZIP CODE A

STATE DISTRICT

3. IS THIS REPORT

X

NEW (N)

OR

AMENDED (A)

NV

03

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

X January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the State of

(c) 30-Day POST-Election Report for the

General (30G)

Runoff (30R)

Special (30S)

Election on

in the State of

5. Covering Period 11 25 2008 through 12 31 2008

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer **Christie Hestie**

Signature of Treasurer **Electronically Filed by Christie Hestie**

Date 01 27 2008

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 437g

Office
Use
Only

FEC FORM 3
(Revised 07/2003)

FECAN018

10044280061

**SCHEDULE B (FEC Form 3)
ITEMIZED DISBURSEMENTS**

 Use separate schedules
for each category of the
Detailed Summary Page

 FOR LINE NUMBER:
(check only one)

PAGE 18/21

<input checked="" type="checkbox"/>	17	<input type="checkbox"/>	18	<input type="checkbox"/>	19a	<input type="checkbox"/>	19b
X	20a	<input type="checkbox"/>	20b	<input type="checkbox"/>	20c	<input type="checkbox"/>	21

Any information copied from such Reports and Statements may not be used by any person for the purpose of inducing contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee

NAME OF COMMITTEE (in Full)

Porter for Congress

A.

Full Name (Last, First, Middle Initial)

Charise Brennan

Transaction ID: 90127 58383

Date of Disbursement

12 15 2008

Mailing Address 7341 Lake Farm Avenue

City

Las Vegas

State

NV

Zip Code

89131-

Amount of Each Disbursement this Period

2300.00

Purpose of Disbursement

Refund of Contribution

Candidate Name

 010
Category:
Type

 Refund or Deposit of Excess
Contributions Returned Under
11 C.F.R. 400.53

Office Sought:

House

Senate

President

State:

District:

Disbursement For:

Primary

2010

General

X Other (specify) ☒

xGeneral2008

SUBTOTAL of Disbursements This Page (optional)

2300.00

TOTAL -- as shown on last page (the number only)

2300.00

FEC-00018

FEC Schedule B (Form 3) (Revised 02/2003)

10044280062

F

SCHEDULE A (FEC Form 3) **ITEMIZED RECEIPTS**

Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER: PAGE 34 / 123
(check only one)

X 11a 11b 11c 11d
12 13a 13b 14 15

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)
Porter for Congress

A.

Full Name (Last, First, Middle Initial)
Roger Garcia

Mailing Address 555 E. El Campo Grande Avenue

City State Zip Code
Las Vegas NV 89081

FEC ID number of contributing
federal political committee C

Name of Employer
Water Management, Inc

Occupation
Owner

Receipt For: 2008
Primary X General
Other (specify) ☐

Election Cycle-to-Date ☒
1000.00

Date of Receipt

10 22 2008

Transaction ID: 81022.C19465

Amount of Each Receipt this Period

1000.00

Receipt

Limit Increased Due to Opponent's
Spending (2 U.S.C. 441a(4)(A)-1)

B.

Full Name (Last, First, Middle Initial)
J.L. Brown

Mailing Address 9020 Crooked Shell Avenue

City State Zip Code
Las Vegas NV 89143

FEC ID number of contributing
federal political committee C

Name of Employer
Information Requested

Occupation
Information Requested
Election Cycle-to-Date ☒

Receipt For: 2008
Primary X General
Other (specify) ☐

4800.00

Date of Receipt

10 23 2008

Transaction ID: 81023.C19469

Amount of Each Receipt this Period

4800.00

Receipt

Limit Increased Due to Opponent's
Spending (2 U.S.C. 441a(4)(A)-1)

C.

Full Name (Last, First, Middle Initial)
Joe Brown

Mailing Address 9020 Crooked Shell Avenue

City State Zip Code
Las Vegas NV 89143

FEC ID number of contributing
federal political committee C

Name of Employer
Information Requested

Occupation
Information Requested
Election Cycle-to-Date ☒

Receipt For: 2008
Primary X General
Other (specify) ☐

2300.00

Date of Receipt

10 23 2008

Transaction ID: 81022.C19705

Amount of Each Receipt this Period

-2300.00

Reimbursement Memo

Limit Increased Due to Opponent's
Spending (2 U.S.C. 441a(4)(A)-1)

(MEMO ITEM)

Reimbursement to Spouse

SUBTOTAL of Receipts This Page (optional)

5000.00

TOTAL This Period (use page this line number only)

10044280063

SCHEDULE A (FEC Form 3)
ITEMIZED RECEIPTS

 Use separate schedule(s)
 for each category of the
 Detailed Summary Page

 FOR LINE NUMBER: PAGE 35 / 123
 (check only one)

☒ 11a ☐ 11b ☐ 11c ☐ 11d
☐ 12 ☐ 13a ☐ 13b ☐ 14 ☐ 15

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)

Porter for Congress

A.

Full Name (Last, First, Middle Initial)

Robert Brown

Mailing Address 9020 Crooked Shell Avenue

City

Las Vegas

State

NV

Zip Code

89143

 FEC ID number of contributing
 federal political committee

C

 Name of Employer
 Information Requested

Receipt For 2008

 Primary ☒ General

Other (specify)

Occupation

Information Requested

Election Cycle-to-Date

2300.00

Date of Receipt

10 23 2008

Transaction ID: 81202.C19708

Amount of Each Receipt this Period

2300.00

Redistribution Memo

 Limit Increased Due to Opponent's
 Spending (2 U.S.C. 441a(1); 441a-1)

(MEMO ITEM)

Redistribution from Spouse

B.

Full Name (Last, First, Middle Initial)

Teresa Ramos

Mailing Address 1200 Titanis court

City

Las Cruces

State

NM

Zip Code

88007

 FEC ID number of contributing
 federal political committee

C

 Name of Employer
 Information Requested

Receipt For 2008

 Primary ☒ General

Other (specify)

Occupation

Realtor

Election Cycle-to-Date

500.00

Date of Receipt

10 24 2008

Transaction ID: 81025.C19488

Amount of Each Receipt this Period

500.00

Receipt

 Limit Increased Due to Opponent's
 Spending (2 U.S.C. 441a(1); 441a-1)

C.

Full Name (Last, First, Middle Initial)

Joseph Jernaz

Mailing Address 3008 Regency Hill

City

Henderson

State

NV

Zip Code

89014

 FEC ID number of contributing
 federal political committee

C

 Name of Employer
 Information Requested

Receipt For 2008

 Primary ☒ General

Other (specify)

Occupation

Information Requested

Election Cycle-to-Date

800.00

Date of Receipt

10 24 2008

Transaction ID: 81025.C19482

Amount of Each Receipt this Period

800.00

Receipt

 Limit Increased Due to Opponent's
 Spending (2 U.S.C. 441a(1); 441a-1)

SUBTOTAL of Receipts This Page (optional)

1000.00

TOTAL This Period (last page the line number only)

I

SCHEDULE A (FEC Form 3) **ITEMIZED RECEIPTS**

See separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER. PAGE 38 / 122

(check only one)

☒ 11a ☐ 11b ☐ 11c ☐ 11d
☐ 12 ☐ 13a ☐ 13b ☐ 14 ☐ 15

Any information secured from such Reports and Statements may not be used or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE in Full

Porter for Congress

A.

Full Name (Last, First, Middle Initial)
EM MORGAN

Mailing Address 12 Sankaty Circle

City State Zip Code
Henderson NV 89052

FEC ID number of contributing
federal political committee C

Name of Employer
Information Requested
Occupation
Information Requested
Election Cycle-to-Date

Receipt For 2008
Primary ☒ General
Other specify

1000.00

Date of Receipt

10 27 2008

Transaction ID: 81027.C19533

Amount of Each Receipt this Period

1000.00

Receipt

Limit Increased Due to Opponent's
Spending (2 U.S.C. 441a)(4)(A)(i)

B.

Full Name (Last, First, Middle Initial)
Cora Coney

Mailing Address 2805 S. Bellapine Circle

City State Zip Code
Sioux Falls SD 57103

FEC ID number of contributing
federal political committee C

Name of Employer
Information Requested
Occupation
Information Requested
Election Cycle-to-Date

Receipt For 2008
Primary ☒ General
Other specify

4600.00

Date of Receipt

10 27 2008

Transaction ID: 81027.C19538

Amount of Each Receipt this Period

4600.00

Receipt

Limit Increased Due to Opponent's
Spending (2 U.S.C. 441a)(4)(A)(i)

C.

Full Name (Last, First, Middle Initial)
Cora Coney

Mailing Address 2805 S. Bellapine Circle

City State Zip Code
Sioux Falls SD 57103

FEC ID number of contributing
federal political committee C

Name of Employer
Information Requested
Occupation
Information Requested
Election Cycle-to-Date

Receipt For 2008
Primary ☒ General
Other specify

2300.00

Date of Receipt

10 27 2008

Transaction ID: 81029.C19554

Amount of Each Receipt this Period

-2300.00

Retribution Memo

Limit Increased Due to Opponent's
Spending (2 U.S.C. 441a)(4)(A)(i)
(MEMO ITEM)
Retribution to Spouse

SUBTOTAL of Receipts This Page (check all):

6900.00

TOTAL This Period (last page this line number only):

10044280065

SCHEDULE A (FEC Form 3)
ITEMIZED RECEIPTS

 Use separate schedule(s)
 for each category of the
 Detailed Summary Page

 FOR LINE NUMBER: PAGE 30/123
 (check only one)

<input checked="" type="checkbox"/> 11a	<input type="checkbox"/> 11b	<input type="checkbox"/> 11c	<input type="checkbox"/> 11d	<input type="checkbox"/> 15
<input type="checkbox"/> 12	<input type="checkbox"/> 13a	<input type="checkbox"/> 13b	<input type="checkbox"/> 14	<input type="checkbox"/> 15

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for similar purposes other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF CONTRIBUTOR:

Partner for Congress

A.

Full Name (Last, First, Middle Initial)

Bruce Case

Mailing Address 2905 S. Ballantine Circle

City

Sioux Falls

State

SD

Zip Code

57105

 FEC ID number of contributing
 federal political committee

C

 Name of Employer
 Information Requested

Occupation

Information Requested

Receipt For 2008

 Primary ☒ General

Other (specify)

Election Cycle-to-Date

2300.00

Date of Receipt

10 27 2008

Transaction ID: 81028 C18555

Amount of Each Receipt this Period

2300.00

Redistribution Memo

 Limit Increased Due to Opponent's
 Spending (2 U.S.C. 441a(4)(A))

(MEMO ITEM)

Redistribution from Spouse

B.

Full Name (Last, First, Middle Initial)

Jay L. Hester

Mailing Address 3182 Buffalo Court

City

Henderson

State

NV

Zip Code

89051

 FEC ID number of contributing
 federal political committee

C

 Name of Employer
 CEO of J&J Soda Products

Occupation

CEO

Receipt For 2008

 Primary ☒ General

Other (specify)

Election Cycle-to-Date

2300.00

Date of Receipt

10 27 2008

Transaction ID: 81027 C18538

Amount of Each Receipt this Period

2300.00

Receipt

 Limit Increased Due to Opponent's
 Spending (2 U.S.C. 441a(4)(A))

C.

Full Name (Last, First, Middle Initial)

Jeff Shaw

Mailing Address 122 Tempelford Lane

City

Richmond

State

VA

Zip Code

23228

 FEC ID number of contributing
 federal political committee

C

 Name of Employer
 Corporate Capital Management

Occupation

Chairman

Receipt For 2008

 Primary ☒ General

Other (specify)

Election Cycle-to-Date

2300.00

Date of Receipt

10 28 2008

Transaction ID: 81029 C18567

Amount of Each Receipt this Period

2300.00

Receipt

 Limit Increased Due to Opponent's
 Spending (2 U.S.C. 441a(4)(A))

4800.00

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page only and number only)